

Legal Issues for Home Health Aides and Attendants

**Satellite Conference
Wednesday, April 7, 2004
2:00-4:00 p.m. (Central Time)**

**Produced by the Alabama Department of Public Health
Video Communications Division**

Faculty

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Objectives

- 1. Discuss how tort law relates to the job performance of the home health aides and home attendants.**
- 2. Explain the importance of the Health Insurance Portability and Accountability Act (HIPAA) and confidentiality regarding home care patients.**

Objectives

3. Discuss fraud as it relates to documentation in the patient record.
4. Recognize the importance of reporting patient abuse.

Elements of a Cause of Action in Torts

- Duty
- Breach
- Proximate Cause
- Injury

Duty

Arising from the nature of the relationship between the parties

Breach

Not meeting the applicable standard of care . . .

Doing something that should not be done or not doing something that should be done.

Proximate Cause

A close relationship between what the allegation of wrongdoing is and the effect on the victim.

Injury

A consequence to the victim, either of a physical, financial or mental nature.

Alabama Adult Protective Services Act

**Section 38-9-1 through 38-9-11
Code of Alabama**

- Provides for the protection of adults who are unable to care for themselves.
- Appointment of Conservators and Guardians.
- Required reporting--Physicians and other practitioners of the healing arts.

HIPAA

Health Insurance Portability and Accountability Act

Privacy

Keeping patient information confidential

Security

Guarding access to patient information

Transaction Sets

Electronically sending billing information
